UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/932,615	08/17/2001	Richard G. Hartmann	END920010020US1	5353

7590 01/17/2006

IBM CORPORATION - DEPT. 917
3605 HIGHWAY 52 NORTH
ROCHESTER, MN 55901-7829

EXAMINER	
REILLY, SEAN M	

ART UNIT	PAPER NUMBER
2153	

DATE MAILED: 01/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/932,615	HARTMANN ET AL.	
	Examiner	Art Unit	
	Sean Reilly	2153	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 October 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-106* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-106* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 July 2002* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

This Office action is in response to Applicant's amendment and request for reconsideration filed on 10/26/05. Claims 1-106 are presented for further examination. Independent claims 1, 18, 23, 32, 49, 58, 63, 71, 88, 105, and 106 have been amended.

Priority

Applicant claims priority to application 09/827,012, filed April 5th, 2001, and recites this claim to priority in the first sentence of the specification. However, the current status of this application is not included in the specification. Applicant must include the current status of the parent nonprovisional application in the first sentence of the specification.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. Claims 71-106 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

2. Claims 71-106 are not limited to tangible embodiments. In view of Applicant's disclosure, specification page 29, lines 1-9, the medium is not limited to tangible embodiments, instead being defined as including both tangible embodiments (e.g., a magnetic disc) and intangible embodiments (e.g., a fluid transmission medium). As such, the claims are not limited to statutory subject matter and are therefore non-statutory. Additionally with regard to claims 105 and 106, these claims are also non-statutory as they fail to embody the claimed program or program

instructions on a tangible medium. A computer program must be tangibly embodied on a storage medium in order to be statutory. Applicant is invited to review the latest "Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility" (signed October 26th, 2005) which further clarifies computer-related nonstatutory subject matter on pages 50-57. http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/guidelines101_20051026.pdf

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 58-62 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. With regard to claim 58, each recitation of the limitation "said server" lacks antecedent basis.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-12, 17-20, 22-32, 34-43, 48-58, 60-63, 65-71, 73-82, 87-88, 90-99, and 104-106 are rejected under 35 U.S.C. 102(e) as being anticipated by Boe et al. (U.S. Patent Number 6,122,276; hereinafter Boe).

6. As per claim 1, Boe teaches a method for processing a client (TN3270 Server, Figure 1, Component 18) session request received at a server (Host Mainframe, Figure 1, component 12) (line A, fig. 4), comprising the steps of: negotiating environment parameters for establishing a connection-oriented connection of said server with said client (line B, fig. 4, col. 4, lines 30-32); said client and said server communicating over said connection using a same client/server communications protocol (the TN3270 server communicates with the host mainframe using the SNA protocol; Col 2, lines 1-5); inviting said client to submit user variables (line C, fig. 4., client submits user variables to sever; user variables include PSID, Power on, Location address=x, model=ml, etc); responsive to receiving a user variable requesting a custom confirmation record received at said server from said client, said server sending to said client a confirmation record (line D, fig. 4; host sends a confirmation response to requesting client via the server to signify a connection and custom record data for enabling said client to engage in subsequent programmable negotiations directly with said server (line E, fig. 4, col. 5, lines 25-28., in response to the client request, host sends custom record data (local address x) to client, thus forming a custom confirmation record).

7. Claim 18 is rejected for similar reasons as claim 1 addressed above. Boe further teaches client (18, fig. 1)/server (20, fig. 1) system; a user exit program running on said server (abstract); said client operating in conjunction with said user exit program for requesting said custom confirmation record (lines A and B, fig. 4).

8. As per claim 3, Boe teaches the step responsive to a user variable requesting a confirmation record, sending to said client a confirmation record without said custom record data (Fig. 4, line E).

9. Claims 4-6 are rejected for similar reasons as claims 1-3. Boe further teaches confirmation record including a field defining a pass through data length, said pass through data including said confirmation record and said custom record data (RU, fig. 2, col. 4, lines 38-40, lines 64-66; col. 5, lines 7-10, lines 25-28; RU (Request/Response Unit) field includes subfields that indicate various data parameters of the request/response/packet); appending said custom record data to said confirmation record (line E, fig. 4; in addition to default response stated in claims 2-3 above, updated responses also includes custom record data x).

10. Claims 7-8 are rejected for similar reasons as claims 1 and 4-6. Boe further teaches request being for a defined custom confirmation record, said request including a list of one or more predefined information items (local address x), further comprising the step of sending to said client defined data in said custom record data (line E, fig. 4).

11. As per claims 9-12 and 17, Boe teaches providing in said custom record data indicia identifying a device, terminal, associated device (line C, fig. 4., device model=ml) allocated by a host server; physical location (line C, fig. 4., local address=x) for receiving output; and custom information for interpretation by said client (col. 5, lines 25-29; host sends custom response record to client.)

12. As per claim 19, Boe teaches client being a Telnet client (e.g. the TN3270 Server receives telnet session information from the Host mainframe Figure 4, lines D or E).

13. Claims 20 and 22 are rejected for similar reasons as claims 1-8 and 18 addressed above.

14. Claims 23, 32, 49, 58, 63, 71, 88, 105, and 106 are rejected for similar reasons as claim 1 addressed above. Boe further teaches negotiating environment parameters for establishing a connection-oriented connection with said server (lines B, C, fig. 4; environment parameters include PSIO, Power on, LocAdd-x, etc.)

15. Claims 34, 60, 65, 73, 90 are rejected for similar reasons as claims 3 above.

16. Claims 35-37, 61-62, 66-68, 74-76, 91-93 are rejected for similar reasons as claims 4-6 above.

17. Claims 38-39, 69-70, 77-78, 94-95 are rejected for similar reasons as claims 7-8 above.

18. Claims 40-43, 48, 79-82, 87, 96-99, and 104 are rejected for similar reasons as claims 9-12 and 17 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

19. Claims 1-12, 17-20, 22-43, 48-82, 87-99, and 104-106 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boe et al. (U.S. Patent Number 6,122,276; hereinafter Boe) and Chen et al. (U.S. Patent Number 6,182,220; hereinafter Chen).

20. With regard to claim 1, Chen disclosed a method for processing a client (telnet client, figure 1) session request received at a server (telnet server, figure 1), comprising the steps: negotiating environment parameters for establishing a connection-oriented connection of said server with

said client (e.g. telnet client and server negotiating environment options, see inter alia Col 2, lines 54-65), said client and said server communicating over said connection using a same client/server communications protocol (e.g. TCP/IP, see Figure 1); said server inviting said client to submit user variables (Col 2, lines 55-58).

Chen disclosed substantial features of the claimed invention however, Chen failed to specifically recite responsive to receiving a user variable requesting a custom confirmation record received at said server from said client, said server sending to said client a confirmation record and custom record data for enabling said client to engage in subsequent programmable negotiations directly with said server. Nonetheless such a telnet negotiation scheme was widely known and utilized in the networking art at the time of Applicant's invention, as evidenced by Boe. In an analogous telnet system, Boe disclosed negotiating environment parameters for establishing a telnet session between a client and a server (see inter alia, figure 4). Boe further disclosed responsive to receiving a user variable requesting a custom confirmation record received at said server from said client, said server sending to said client a confirmation record (line D, fig. 4; host sends a confirmation response to requesting client via the server to signify a connection and custom record data for enabling said client to engage in subsequent programmable negotiations directly with said server (line E, fig. 4, col. 5, lines 25-28., in response to the client request, host sends custom record data (local address x) to client, thus forming a custom confirmation record). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the telnet negotiation scheme disclosed by Boe within Chen's system, in order to further expand the compatibility of Chen's system, by enabling

telnet clients to communicate with telnet servers that utilize protocols derived from the old proprietary SNA server protocol.

21. Claim 18 is rejected for similar reasons as claim 1 addressed above. Boe further teaches client (18, fig. 1)/server (20, fig. 1) system; a user exit program running on said server (abstract); said client operating in conjunction with said user exit program for requesting said custom confirmation record (lines A and B, fig. 4).

22. With regard to claims 2, 33, 59, 64, 72, 89, Chen disclosed negotiating, inviting, and sending steps executing within the application layer of a TCP/IP protocol stack (Chen Figure 1, TCP/IP is the protocol used for communication).

23. As per claim 3, Boe teaches the step responsive to a user variable requesting a confirmation record, sending to said client a confirmation record without said custom record data (Fig. 4, line E).

24. Claims 4-6 are rejected for similar reasons as claims 1-3. Boe further teaches confirmation record including a field defining a pass through data length, said pass through data including said confirmation record and said custom record data (RU, fig. 2, col. 4, lines 38-40, lines 64-66; col. 5, lines 7-10, lines 25-28; RU (Request/Response Unit) field includes subfields that indicate various data parameters of the request/response/packet); appending said custom record data to said confirmation record (line E, fig. 4; in addition to default response stated in claims 2-3 above, updated responses also includes custom record data x).

25. Claims 7-8 are rejected for similar reasons as claims 1 and 4-6. Boe further teaches request being for a defined custom confirmation record, said request including a list of one or more

predefined information items (local address x), further comprising the step of sending to said client defined data in said custom record data (line E, fig. 4).

26. As per claims 9-12 and 17, Boe teaches providing in said custom record data indicia identifying a device, terminal, associated device (line C, fig. 4., device model=ml) allocated by a host server; physical location (line C, fig. 4., local address=x) for receiving output; and custom information for interpretation by said client (col. 5, lines 25-29; host sends custom response record to client.)

27. As per claim 19, Boe teaches client being a Telnet client (e.g. the TN3270 Server receives telnet session information from the Host mainframe Figure 4, lines D or E).

28. Claims 20 and 22 are rejected for similar reasons as claims 1-8 and 18 addressed above.

29. Claims 23, 32, 49, 58, 63, 71, 88, 105, and 106 are rejected for similar reasons as claim 1 addressed above. Boe further teaches negotiating environment parameters for establishing a connection-oriented connection with said server (lines B, C, fig. 4; environment parameters include PSIO, Power on, LocAdd-x, etc.)

30. Claims 34, 60, 65, 73, 90 are rejected for similar reasons as claims 3 above.

31. Claims 35-37, 61-62, 66-68, 74-76, 91-93 are rejected for similar reasons as claims 4-6 above.

32. Claims 38-39, 69-70, 77-78, 94-95 are rejected for similar reasons as claims 7-8 above.

33. Claims 40-43, 48, 79-82, 87, 96-99, and 104 are rejected for similar reasons as claims 9-12 and 17 above.

34. Claims 13-16, 21, 4447, 83-86, 100-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boe et al, 6,122,276 (Boe hereafter) and Murphy et al. (RFC 287, "5250 Telnet Enhancements" July 2000; hereinafter Murphy).

35. As per claims 13-16, Boe teaches the client negotiating with the host to establish a connection (line B, fig. 4). Boe further teaches plurality of new clients trying to log on and negotiating with the host for service connection (lines M, N, fig. 4). However, Boe does not specifically disclose providing in custom record data indicia identifying system security level and password encryption requirements, another device for retrying a rejected request, a reason for a failed auto-signon request, and a reason for denial of session connection request upon system overload and redirection to an alternate time or host. Nonetheless providing such information to clients logging into telnet system was widely known at the time of the invention, as evidenced by Murphy. In an analogous art, Murphy disclosed a standard for telnet clients and servers to communicate (Abstract). Murphy's protocol provides clients logging into a telnet system with detailed custom record data response codes for use in establishing and debugging connections (Murphy see inter alia pgs 20 and 21 Response codes). The response information includes identifying system security level and password encryption requirements (Murphy see pgs 7 and 8), another device for retrying a rejected request, a reason for a failed auto-signon request, and a reason for denial of session connection request upon system overload and redirection to an alternate time or host (see inter alia pgs 20 and 21 Response codes). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Murphy into Boe's system in order to maintain compatibly with other known

telnet protocols and further to provide connecting clients with more detailed connection information for negotiating and debugging telnet sessions.

36. Claims 21, 44-47, 83-86, 100-103 are rejected for similar reasons as claims 13-16 addressed above.

37. **Claims 13-16, 21, 4447, 83-86, 100-103 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boe et al, 6,122,276 (Boe hereafter) and Chen et al. (U.S. Patent Number 6,182,220; hereinafter Chen) and Murphy et al. (RFC 287, "5250 Telnet Enhancements" July 2000; hereinafter Murphy).**

38. Claims 13-16, 21, 4447, 83-86, 100-103 are rejected using a similar rationale as applied above, wherein the Chen, Boe, and Murphy systems are combined together.

Response to Arguments

39. In response to Applicant's request for reconsideration filed on 10/26/05, the following factual arguments are noted:

a. Boe failed to teach a confirmation record and other various server responses reaching a client. Additionally Boe failed to disclose the client and server communicating using a same communication protocol.

b. The combination of Boe and Green is improper.

In considering (a), Examiner respectfully disagrees with Applicant's argument. Applicant contents that 1) Boe fails to send a confirmation record to a client and also contends

that 2) the client and server of Boe's system fail to communicate using a same communication protocol. With regard to point #1, Boe clearly teaches in figure 4, line E transmitting a confirmation record to the TN3270 server. It is noted that Applicant explicitly states this fact on pg 35 of Applicant's response dated 2/25/05 and pg 36 of Applicant's response dated 8/31/05. **Examiner has equated Applicant's claimed *client* with Boe's TN3270 server.** Within Boe's system, the TN3270 server (Figure 1, 18) is itself a client of the host mainframe. Therefore Boe clearly teaches a client (TN3270 server) receiving a confirmation record. Further with regard to point #2, the TN3270 server and host mainframe of Boe's system communicate using the same protocol (i.e. the proprietary SNA protocol) (Boe Col 2, lines 1-5). Applicant's arguments as to which protocol is utilized for communication between the TN3270 server and TN3270 client of Boe's system is completely irrelevant since Examiner **has equated Applicant's claimed *client* with Boe's TN3270 server.** Additionally any of Applicant's arguments as to whether the TN3270 server is or is not a *telnet* client are moot since none of the independent claims recite the word *telnet*.

Applicant also contends that other various server responses fail to reach the client. Again since the TN3270 server of figure 1, component 18 is itself a client within the Boe system then, by Applicant's own admissions in the response dated 2/25/05, Boe teaches all the limitations of Applicant's claimed invention.

Applicant is free to further to limit the definition of a "client" within the claimed invention, however until Applicant makes such an amendment the broadest reasonable definition of a "client" will be utilized by the Examiner.

In considering (b), Applicant's arguments are noted however they are moot in view of the new grounds of rejection set forth.

Conclusion

40. The prior art made of record, in PTO-892 form, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sean Reilly whose telephone number is 571-272-4228. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glen Burgess can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1/4/06

KRISNA LIM
PRIMARY EXAMINER